

**REGULAR MONTHLY MEETING  
PIKE COUNTY BOARD OF COMMISSIONERS**

The Pike County Board of Commissioners held its Regular Monthly Meeting on Tuesday, January 26, 2010 at 6:30 p.m. in the Commissioners Meeting Room in the Courthouse Annex at 79 Jackson Street, Zebulon, Georgia. Convening the meeting at 6:30 p.m. was Chairman Doug Mangham, and also in attendance were Commissioners Don Collins, Tommy Powers, Parish Swift and Roosevelt Willis. County Attorney Rob Morton and County Clerk Teresa Watson attended, as well. (O.C.G.A. § 50-14-1(e) (2))

- I. **CALL TO ORDER** .....Chairman Doug Mangham
  - II. **PLEDGE OF ALLEGIANCE**.....Chairman Doug Mangham  
*Motion/second by Commissioners Powers/Willis to: 1) Add as Item #10 under New Business: Consider approval of the 2010 Ambulance Service Agreement with Mid-Georgia Ambulance Service as discussed, and for which the terms were adjusted, at the January 13, 2010 Board meeting, and 2) Add Executive Session for the discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee in the Administrative Department, as provided in O.C.G.A. § 50-14-3(6). Motion carried 4-0.*
  - III. **APPROVAL OF THE AGENDA** - (O.C.G.A. 50-14-1 (e) (1))  
*Motion/second by Commissioners Powers/Collins to approve agenda as amended above carried by a vote of 4-0.*
  - IV. **APPROVAL OF THE MINUTES** - (O.C.G.A. § 50-14-1(e) (2))  
1. Minutes from Regular Monthly Meeting held January 13, 2010.  
*Motion/second by Commissioners Collins/Powers to approve Minutes of the January 13, 2010 Regular Monthly Meeting carried by a vote of 4-0.*
  - V. **INVITED GUESTS** - None
  - VI. **REPORTS FROM COMMISSIONERS, DEPARTMENTS, COMMITTEES AND AUTHORITIES**
    - A. Monthly Reports submitted from County Departments and County Authorities  
*After some discussion, motion/second by Commissioners Powers/Swift to approve Monthly Reports carried 4-0.*
    - B. County Manager Report presentation to Commissioners (County Clerk in absence of)
      1. Present financial statements for the months of November and December 2009.
      2. Update on County-maintained roads with severe weather-related damage. Work is still ongoing per Todd Goolsby, Director of Public Works, who relayed that the last of the seventeen roads in previous failure, Dunn Road, reopened this afternoon.
      3. Update on LGRMS Sensitivity Training on 1-14-10 and notation of upcoming Diversity Training on 1-29-10 for one-hour sessions throughout 9 am to 4 pm, provided at no cost to the County. Training was effective and very informative.
      4. Report on ICMA Webinar re “Using Baldrige in Local Government s on 1-14-10 from 1:00-2:30 pm for County personnel. At just \$149 for all, this teleconferencing seminar attended by seven department heads was a cost-effective method of continued training on the overall budgetary process for the County. Hopefully this type instruction can be utilized further and perhaps in other areas.
      5. Update on RFP issued for Benefits Brokerage Services. The call has been issued.
      6. Update on Ad for County Manager position as approved by the Board. Ads have been placed and a couple of resumes have already been received. Deadline is March 1.
      7. Suggested revision to Budget Calendar for FY 2010-2011. Provided to Board.
- C **Commissioners Reports**

County Manager training, in response to a question from the audience, is pending.

**District 1** – Commissioner Willis asked about restitution from Shawn Shoats. County Attorney Morton reiterated that his next meeting date on this matter would not be until February. They are aware the County wants either money returned or time served. Mr. Morton will report further at a later date.

**District 2** – Commissioner Swift asked about the Transportation Committee. Commissioner Collins advised at the Three Rivers Regional Commission meeting on Thursday it was noted two counties don’t have a comprehensive transportation plan approved. This approved plan ensures that some funding mechanisms can be utilized that would otherwise be unavailable. The County needs to establish a Transportation Committee to begin this process that is similar to a countywide comprehensive plan.

This Three Rivers board is large but Pike County is well represented with five members (County, City of Zebulon, and Private Sector). Mr. Morton said Pike County was part of a regional transportation committee but desired to have its own. The document is approved and the vehicle is in place, but Mr. Morton said we need direction to move forward. Motion/second by Commissioners Willis/Powers to have Commissioner Parrish liaison with CATF members to move ahead carried 4-0. He also mentioned a newsletter from local EMCs regarding “roundup on the bill” in an effort to help needy residents.

**District 3** – Commissioner Powers thanked Public Works for diligent work on roads.

**District 4** – Commissioner Collins relayed he was assigned the task of talking to Rosemary Logan but she cannot serve on the Council on Aging because she is a paid employee, so we will need to submit another nominee or two to the Council on Aging. Coweta County is petitioning to become part of the reservoir’s regional water system. Pike has shied away because we’ve not wanted to commit dollars, but it might be advantageous to do so for many reasons. Coweta has committed for growth that has not occurred, and that is lessening demand for water each month, and this practice might negotiate a lesser consumption rate. The City of Griffin has made this an open invitation and their City Attorney made it clear they intend for this to be a regional water authority. Coweta was offering around \$7 million, Commissioner Collins thought. Also, he felt the County has put a lot of effort and money into getting ISO rates lowered, with results hoped for by January 1. Insurance companies are reluctant to pass along premium reductions for same, but that should not matter. The improved ISO rating in the County should warrant a lowering of this premium. Some discussion of mapping generated by our 911 system and the possibility of revisions to this mapping followed. Remapping can be done to coordinate with the new CAD system being considered tonight with bid openings. 911 Director Darlene Smith relayed they were waiting to redo the maps until everything is in place after the new CAD system is implemented. The ESN is coordinated with your phone number and comes into play with how to route calls. So this is not just moving lines on a map but is rather a much more intensive process.

D. County Attorney Report to Commissioners

Mr. Morton relayed he continues to work with Ms. Watson on job description updates.

## VII. PUBLIC HEARINGS

1. Consider recommendation of the Pike County Planning and Development Staff and Board of Appeals to approve the request of American Tower for a Special Exception to allow for construction of a leased cell tower on Gresham Road.

David Allen reported this application meets all code requirements and he provided a timeline for the issue. The applicant, American Towers, Inc., is requesting a Special Exception to allow for construction of a 195-foot tall cell tower to accommodate a maximum of four antennas, along with a 228-square foot equipment shelter building constructed. Staff and Board of Appeals both recommend approval.

Kim Bucciero, with Telecom Development Services, LLC for American Towers, addressed the Board, saying the proposed tower at the intersection of Gresham Road and U.S. 19 will be unlit since it is under 200 feet and less obtrusive. Made from galvanized steel, it does meet setback and all other ordinance requirements. They cooperated fully at two different Board of Appeals meetings and have offered creative solutions, such as the suggested vegetation planting for the property owner that is adjacent. They will be using a monopole with short mount arms to minimize the visual impact. If approved, on the John Carter 98-acre parcel, the tower will be central to the property. Owned by American Towers, but for AT&T and others as carriers, they used parameters of the carriers for construction. Ms. Bouciero showed a map of the tower service area. Propagation studies reveal why the towers won’t work well in conjunction with an existing water tank site about two miles away, and was developed in concert with engineers on the project. American Towers has tried to be accommodating and has worked conscientiously to resolve issues and questions. The County’s Ordinance allows for a 225-foot tower if four carriers are accommodated (AT&T being the first), but they dropped the height to 195 so it would not be necessary to light the tower. Metro PCS also plans to utilize tower space as a tenant, and Sprint/NexTel also plans to join. A Georgia Open Records Act request on the last approval for a cell tower revealed that applicant was not required to provide anything more than what has been requested on this application to date. They build to suit tenants who bring their own equipment, so there will be some personal property for taxation. The cost of developing a tower is over \$100,000 and equipment is actually more expensive than the tower. Tower site setbacks ensure positioning to make the structure as unobtrusive as possible, but cannot locate greater than 1000 feet from property lines due to configuration of the tract. American Towers has provided all documentation requested except for this last request for a propagation study which was made only three days ago. She maintained that cell towers do not negatively affect property appraisals and values.

The Chairman declared the Public Hearing opened.

Speaking in favor of the application was John Morrison, who felt the design they arrived at was, in fact, the least obtrusive tower available. He said this was the most agreeable design aesthetically and he was pleased with the process.

Speaking in opposition were:

Lloyd May, who maintained there is a cell tower already with three available leases less than five miles away on which AT&T could rent space. He understood the ordinance limits towers to 100 feet if only one tenant has committed. The existing one has had vacancies on its tower for several years. As a certified, professional appraiser, cell towers do in fact negatively affect property appraisals.

Mereidith Sorrow, who lives near the proposed tower site, said she could appreciate it would be a revenue stream for the county but at what cost. She has worked hard to maintain their property in this agricultural area. American Tower can generate much money per day per antenna array and they can contend it is unobtrusive, but the height of 195 feet makes it visible from the major corridor and a good deal taller than the water tower. For fewer than the four required tenants, a 125-foot tower would be a better choice. She had asked for the latest propagation map and thought the time frame provided was acceptable.

Larry Ammon, who lives nearby on Gresham Road said this would not be a pretty picture from his home. American Towers stated other tenants may come, but the existing tower mentioned previously has vacancies that have not been filled for several years. Our Ordinance limits the height unless four tenants are confirmed, but American Towers has not demonstrated they actually have four tenants.

Carol Bass allowed the County won't make a lot of money. The Appeals Board did hear petitioning on another tower but that situation does not compare at all with this application. It was in the woods and not seen from a major corridor. This one is in an open area and is very visible. She asked American Towers if the structure could be added to in height once it is in place. Ms. Bucciero advised this could not be accomplished without approval by the County and to do so rare, but extensions can be made. It is very rare to find extensions because they are very costly to effect after initial construction since engineering is greatly affected.

Sandy May, who is a resident next to the proposed tower site, felt it will be very visible. She was concerned that the balloon testing didn't involve all residents.

David Allen said the site plan has shrunk slightly from its original size, and the area in the center of the property is +- 800 feet from Ms. Swafford (it could range in distance from the high 700s to low 800s in feet).

With no further comment, the Chairman declared the Public Hearing closed.

Ms. Bucciero said the existing tower that has been mentioned did not meet the criteria of engineers for collocation, and she reiterated she did not have enough time in just three days to complete a propagation study for the existing tower as had been done with the water tank site. That existing tower is 225 feet with two other carriers – Verizon and Southern Line – as tenants. The tower has been there eight years and possibly has no other carriers because it doesn't work well for other tenants in its remote location since proximity to highways and major traffic corridors are definitely a factor. The County could also benefit from locating E911 services perhaps on the tower at no cost.

A question to Mr. Morton regarding Special Exception status as a final zoning decision and not equal to a variance was defined for commissioners.

*No motion was forthcoming on the application of American Towers, Inc. for Owner John E. Carter, so the matter will continue to the next scheduled meeting of the Board.*

### **XIII. UNFINISHED BUSINESS**

1. Consider, on second reading, adoption of proposed text amendment to the Code of Pike County, Georgia to amend Chapter 156, Section 156.340 Official Zoning Map, Section 156.341 Identification, Alteration and Replacement of the Official Map, and Section 156.343 Relationship Between Official Map and Pike County Land Use Plan, as appropriate to allow for the re-adoption of the Pike County Official Zoning Map.

#### *Official Zoning Map*

#### **§ 156.340 Official Zoning Map**

Any reference to the Official Map refers to the Pike County, Georgia Official Zoning Map.

(Res. passed 5-88) (Res. passed 12-13-06) (Am. Ord. Passed 01-26-10)

#### **§ 156.341 Identification, Alteration and Replacement of the Official Map**

(A) The Pike County, Georgia Official Zoning Map, as previously adopted and codified by Pike County, consisted of 44 pages and an index. On January 26, 2010, the Pike County Board of Commissioners re-adopted the Pike County, Georgia Official Zoning Map, as a single map sheet entitled the *Pike County, Georgia Official Zoning Map* which bears the seal of Pike County and includes certification by the Chairman of the Pike County Board of Commissioners. (Am. Ord. Passed 01-26-10)

(B)

(1) The Official Map may be altered only if the proposed alterations are in conformance with the Pike County Land Use Plan, (this does not necessarily mean a one-to-one correspondence) and sound comprehensive planning principles. Any alteration to the Official Map is an amendment to the chapter. The procedure by which amendments are proposed and approved is contained in § 156.028. Any amendment involving changes in zoning district boundaries must be entered on the Official Map as soon as the amendment has been approved by the Board of Commissioners. The entry must be as follows: "On (date) by official action of the Board of Commissioners of Pike County, the following change (or changes) were made in the Official Zoning Map, Pike County, Georgia: (Brief description of change)." It must be signed by the Commission Chairperson. No amendment to portions of this chapter that are illustrated on the Official Map becomes effective until after the change has been entered as described above on the Official Map. (Am. Ord. Passed 01-26-10)

(2) Alterations to the Official Map may be made only by the procedures contained in this chapter. Any unauthorized alteration of the Official Map by any person is a violation of this chapter.

(3) The Official Map shall be on display at the Pike County Planning & Development Department and a current copy shall be kept on display in the Board of Commissioners Meeting Room, and is the final authority as to the current status of zoning district boundaries.

(Am. Ord. Passed 01-26-10)

(C) If the Official Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Commissioners may adopt a new Official Map which will replace the previous Official Map. The new Official Map is identified as such in the same manner as described above in this section. When the new Official Map is adopted, a notation must be made on the previous Official Map that it is no longer valid, indicating the date that the new Official Map was adopted. The previous Official Map should be preserved, if it has not been lost or destroyed, for possible future reference.

(Res. passed 5-88) (Res. passed 12-13-06)

#### **§156.343 Relationship Between Official Map and Pike County Land Use Plan**

(A) The Pike County Land Use Plan was prepared by the Planning Commission and adopted by the Board of Commissioners of Pike County. It should provide the best possible indication of desirable land use patterns that will meet projected future demand for land uses of various types. The Pike County Land Use Plan supplies a body of information on which decisions on future development may be made that are guided by sound planning principles. The Plan does not legally regulate land uses. It contains a Land Use Map, which shows suitable areas for various types of land uses. Actual land uses may not necessarily conform to the Land Use Map.

(B) The zoning districts contained on the Official Map carry standards which must be met by all new development and construction in the county. The arrangement of zoning districts is based on land use information contained in the Pike County Land Use Plan. Establishment and amendment of zoning district boundaries must be in conformance with the Pike County Land Use Plan. (This does not necessarily mean a one-to-one correspondence). This assures that such amendments to the Official Map are based on defensible findings of fact as well as sound comprehensive planning principles.

(Res. passed 5-88) (Res. passed 12-13-06) (Am. Ord. Passed 01-26-10)

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*Motion/second to approve, on second reading, adoption of proposed text amendment to the Code of Pike County, Georgia to amend Chapter 156, Section 156.340 Official Zoning Map, Section 156.341 Identification, Alteration and Replacement of the Official Map, and Section 156.343 Relationship Between Official Map and Pike County Land Use Plan, as appropriate to allow for the re-adoption of the Pike County Official Zoning Map by Commissioners Collins/Powers carried 4-0 after discussion.*

2. Consider, on second reading, adoption of the Pike County, Georgia Official Zoning Map.

*Motion/second to approve, on second reading, adoption of the Pike County, Georgia Official Zoning Map by Commissioners Powers/Collins carried 4-0.*

2. Consider providing direction to Pike County Tax Commissioner regarding exemption of certain entities from payment of the Fire District Fee.

*Motion/second by Commissioners Swift and Powers to exempt only the cemeteries at this time, with other parcels being considered at the Fire Fee Workshop on Monday, February 1, 2010 at 4 p.m. in the Courthouse Annex Meeting Room, carried 4-0.*

## **IX. NEW BUSINESS**

1. Opening of sealed proposals for the Pike County 911 Computer Aided Dispatch (CAD) and Geographic Information System for award at a later date after thorough vetting.  
*Motion/second by Commissioners Swift/Collins to approve bid openings for the following: Motorola (declined), VisionAir (declined), GeoConex (bid received) and AT&T (bid received) with bids being delivered to E911 for the vetting process for award at a later date, carried 4-0.*

2. Discuss and/or authorize issuance of RFP for solicitation of County Attorney services.  
*Motion/second was made by Commissioners Powers/Willis to initiate such RFP process and discussion followed.* Due to economies of scale and cutbacks, the \$89,000 allocated last year to legal professional services was definitely not out of line. The County Attorney's fees include litigation and normal advisory/research issues, but not bond counsel or necessary outside expertise for specialized matters. Commissioner Swift said he had researched other counties and areas and found that \$165,000 on average was the norm, and he cautioned the County could actually increase its legal costs with the issuance of an RFP. The action might gain some accountability but probably would cost money in the process. *Motion/second by Commissioners Powers/Willis to rescind the initial motion to proceed with the RFP process carried 4-0. Motion/second by Commissioners Powers/Willis to cease issuance of the RFP for County Attorney services carried 4-0.*

3. Nathan Rounds, Zebulon, Georgia, desires reimbursement for overpaid property taxes and legal fees incurred during appeals process on an erroneous assessment of property.

Mr. Rounds introduced a letter and accompanying documentation, a copy of which is on file for the record. His assessment increased 300% and, when he voiced his concerns to the Office of Tax Assessors, personnel there were uncooperative and even harassing. He went through the appeals process successfully, but Ms. Jeannie Haddock, the Chief Tax Assessor, disagrees. The Board of Equalization ruled in Mr. Rounds' favor that there was an overassessment. He subsequently filed a return and this lowered by 4.5%. However, his concerns were again stagnant after the appeal was filed, so he felt it necessary to hire legal counsel. Several lowerings occurred, but there was no satisfaction from personnel in the Tax Assessor's office who did not reside in Pike County. The demeanor particularly of Chief Tax Appraiser Haddock was disturbing and some comments made to him were not even appropriate for public comment. Discussion followed.

*Motion/second by Commissioners Swift/Powers to refund Mr. Rounds' overpayment of \$847.01, plus his legal fees of \$ 2,914.89, carried 3-1 with Commissioner Collins opposing. County Attorney Morton stated the Budget Officer could review and recommend on a future agenda the funding source for repayment of the total reimbursement of \$3,761.90.*

4. Walker Chandler desires permission to use the main courtroom of the Pike County Courthouse on March 4, 2010 from 6:30 to 10 p.m. for an organizational, public meeting to explore formation of a marching band.

*Motion/second by Commissioners Powers/Willis to approve carried 4-0.*

5. Prayer Power of Georgia, Ben Maxedon, desires permission to use the Pike County Courthouse and Square on Thursday, May 6, 2010 from 10 am to 2 pm for the annual Prayer on the Square in observance of the National Day of Prayer.

*Motion/second by Commissioners Willis/Swift to approve carried 4-0.*

6. J. Joel Edwards Public Library requests appointment of a Library Board member to fill the term of Mary Milner, who not desire reappointment, for a term to expire 8-31-2012. County Clerk to advertise.

The County Clerk will research and advertise for this appointment.

7. Consider approval of the Agreement between Pike County and the Keep Pike Beautiful Authority for a term to expire June 30, 2010.

*Motion/second by Commissioners Swift/Powers to approve current agreement for the Keep Pike Beautiful Authority carried 4-0.*

8. Consider request of Ed Sanders. Keep Pike Beautiful Chairman, to dismantle the committee and accept returned funds appropriated for the 2009-2010 budget year. *Motion/second by Commissioners Powers/Swift to dismantle the committee, per Mr. Sanders' recommendation to and take a year to restructure and possibly reorganize their efforts, carried 4-0.*
9. Consider declaring surplus, for disposal at the discretion of the Board of Commissioners, nine deadlined vehicles as identified by Pike County Sheriff Jimmy Thomas. *Motion/second to declare surplus the nine deadlined vehicles identified by the Pike County Sheriff Jimmy Thomas, by Commissioners Collins/Swift, carried 4-0.*
10. Consider approval of the 2010 Ambulance Service Agreement with Mid-Georgia Ambulance Service as discussed, and for which the terms were adjusted, at the January 13, 2010 Board of Commissioners Meeting. *Motion/second by Commissioners Swift/Powers to approve as presented the 2010 Ambulance Service Agreement with Mid-Georgia Ambulance Service carried 4-0.*

**X. EXECUTIVE SESSION**

*Motion/second to enter Executive Session by Commissioners Willis/Swift at 8:50 p.m. carried by a vote of 4-0.*

**CLOSED MEETING AFFIDAVIT**

*[A copy of the affidavit must be filed with the minutes of the meeting]*

STATE OF GEORGIA  
COUNTY OF PIKE

AFFIDAVIT OF PIKE COUNTY BOARD OF COMMISSIONERS

Members of the Pike County Board of Commissioners, being duly sworn, states under oath that the following is true and accurate to the best of his/her knowledge and belief:

1. The Pike County Board of Commissioners met in a duly advertised meeting on January 26, 2010.
2. During such meeting, the Board voted to go into closed session.
3. The executive session was called to order at 4. 8:50 p.m.

The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

No Consultation with the county attorney, or other legal counsel, to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

No Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and        insert the citation to the legal authority making the tax matter confidential);

No Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

Yes Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. § 50-14-3(6);

No Other (describe the exemption to the open meetings law):        as provided in        (insert citation to the legal authority exempting the topic).

This the 26<sup>th</sup> day of January 2010. Pike County Board of Commissioners

Sworn to and subscribed  
Before me this 26<sup>th</sup> day of January 2010. Doug Mangham, Chairman (L.S.)  
Donald Collins, Commissioner (L.S.)

Notary Public – Teresa A. Watson (L.S.) M.T. Powers, Commissioner (L.S.)  
My Commission Expires: March 1, 2011 Parrish Swift, Commissioner (L.S.)  
Roosevelt Willis, Commissioner (L.S.)

*Motion/second to adjourn Executive Session and reconvene to Open Meeting by Commissioners Willis/Powers at 9:19 p.m. carried 4-0.*

**XI. PUBLIC COMMENT- (Limited to 5 minutes per person) - None**

**XII. ADJOURNMENT**

*Motion/second by Commissioners Willis/Powers to adjourn at 9:20 p.m. carried 4-0.*

Chairman, Doug Mangham

County Clerk, Teresa A. Watson